

REMARKS

The Applicant's undersigned Attorney thanks the Examiner for a kind and thorough review of the Application.

Applicant has appropriately amended the specification and the claims to address the Examiner's informality rejections. A clean copy is attached hereto.

None of the art of record teaches or discloses a stud cutter, teaches or discloses a cutter having a stud reception member, or even addresses or concerns itself with the problems of cutting studs (see the background section of the pending application). Hence, the cited art is non-analogous art.

Particularly, the term "stud" is defined in The American Heritage Dictionary of The English Language, published by The Houghton Mifflin Company, to mean "an upright post in the framework of a wall for supporting sheets of lath, wall board, or the like". In accordance with this understanding, the specification of the pending application discusses such stud members (e.g., metal stud members) as being used to construct "walls and other portions of buildings and various structures" (see for example, lines 6 – 8 of page 1 of the specification).

Bushaw discloses a cigar cutter which does not have a stud reception member and which could never be used to sever a stud member. Similarly, Mendenhall discloses a paper perforator which does not have a stud reception member and which could never be used to sever a stud member. Maillez discloses a food slicer which does not have a stud reception member and which could never be used to sever a stud member. Miller also discloses a cigar cutter.

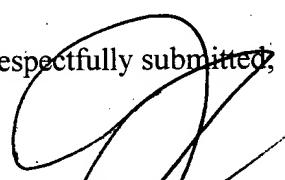
In summary, all of the cited art is non-analogous art and is not properly citable against the pending claims. Query, how could a cigar cutter or a "paper hole producer" ever been used to cut a stud?

Rather, all of the pending claims relate to a apparatus for cutting a metal stud and there is no teaching or disclosure, anywhere within the cited art of the need or desire to have a tool cut a metal stud or of any of the disadvantages of cutting a stud using current techniques (see, for example, the "Background of the Invention" section of the pending application).

Further, none of the art of record teaches or discloses the use of a stud reception portion which is disclosed to have "a thickness which is substantially similar to the thickness of a stud member" (lines 7 – 8 of page 4 of the pending application). In fact, a stud would not properly fit within any of these devices/apparatus and they are not configured to cut such a stud.

For these reasons, it is respectfully submitted that the pending claims are all allowable over the art of record and such allowance is requested. If the Examiner has any further questions, the Examiner is invited to call Applicant's undersigned attorney at (248)-324-7787. An affidavit from the inventor is attached which details the non-obvious nature of the inventions and details why the claims are patentably distinct from the prior art of record.

Respectfully submitted,


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On June 5, 2006.


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